



Paper No. 15

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**OFFICE OF PETITIONS
A/C PATENTS**

BRETT CARLSON -- INTELLECTUAL PROPERTY
SNELL AND WILMER
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PHOENIX, AZ 85004

In re Application of
Blandina, Berry & Belczynski
Application No. 09/241,188
Filed: February 1, 1999
Attorney Docket No. 10655.7117
For: STORED VALUE TRANSACTION
SYSTEM HAVING AN INTEGRATED
DATABASE SERVER

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: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)
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This is a decision on the renewed petition under 37 CFR 1.47(a), filed October 4, 2000.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on February 1, 1999 without an executed oath or declaration. Accordingly, on February 17, 1999, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing. A petition under 37 CFR 1.47(a), filed May 17, 1999, was dismissed on July 18, 2000 for failure to (1) establish that the non-signing inventors received a complete copy of the application, (2) submit an oath/declaration in compliance with 37 CFR 1.63 and 1.64 signed by the available joint inventor and (3) provide a statement of both inventors' last known address. The Request for Reconsideration, filed August 17, 2000, was dismissed on September 27, 2000 for failure to provide an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64.

A grantable petition under 37 CFR 1.47(a) requires

- (1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
- (2) a proper oath or Declaration executed by the available joint inventor(s),
- (3) the fee of \$130 as specified in 37 CFR § 1.17(h), and
- (4) the last known address of the omitted inventor(s).

This petition lacks item (2) above.

An acceptable declaration executed by the available joint inventor must be submitted. The declarations transmitted via facsimile on October 3, 2000 and October 4, 2000, respectively, are copies of the original declaration with modifications. It is improper for anyone, including counsel, to alter, rewrite, or partly fill in any part of the application, including the oath or declaration, after execution of the oath or declaration by the applicant. MPEP 605.04(a). The

declaration cannot be amended, altered, or changed in any manner after it has been signed. MPEP 602.01. Mr. Blandina must execute a new declaration containing full information -- residence, post office address, and citizenship -- for all three inventors.

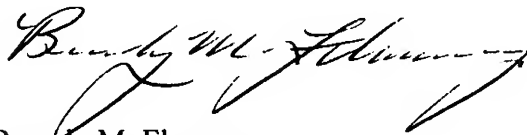
Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
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By facsimile: (703) 308-6916
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Telephone inquiries should be directed to Petitions Attorney E. Shirene Willis at (703) 308-6712.



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